

IN THE HIGH COURT OF JUDICATURE AT BOBBY

CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 1688 OF 2000

G. H. Tungekar

Petitioner

Vs.

The State of Maharashtra & Ors. Respondents

Mr. G. S. Godbole, Advocate for the petitioner.

Mrs. M. P. Thakur, AGP for Respondent No. 1.

Mr. N. V. Walawalar. S. counsel with Mr. G. H. Keluskar for responden No.2.

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**CORAM: F.I. REBELLO,
AND
R. V. MORE, JJ.**

DATE : JANUARY 10, 2007.

P.C.

. This petition was filed seeking direction against respondent no.2 not to construct on the land acquired for play-ground and also for removing existing the structures / encroachments on the land. A learned Bench of this Court by the order dated 4th May 2000 issued various directions and affidavit has been filed by Mr. Vilas Vishwanath Dhage, the Chief Officer, working in the officer of respondent no.2, setting out therein that encroachments have been removed and the area is being developed for a play ground.

2. The same petitioner had filed another petition being Writ Petition No. 4540 of 2004 wherein he had sought the relief that the resolution had lapsed and the land be handed over to him. That petition was dismissed by an order dated 21st February, 2006. It has been noted in the said order that the land is vested in the Corporation, and that the play ground was inaugurated on 29th April 2003. Considering that nothing survives in the petition. We, however, make it clear that it is the responsibility of respondent No.2 to see it that play ground is kept as a play ground.

3. Rule discharged with no orders as to costs.

[R.V. MORE, J.]

[F. I. REBELLO, J.]